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New York
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Delaware
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October 8, 2021

Via CM/ECF Filing

The Honorable John Michael Vazquez, U.S.D.J.
The United States District Court for the District of New Jersey, Newark Vicinage
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, N.J. 07102

Re: Redi-Data, Inc. v. The Spamhaus Project a/k/a The Spamhaus Project Ltd.,
Civil Action No. 2:20-cv-17484-JMV-JBC

Dear Judge Vazquez:

This firm represents plaintiff, Redi-Data, Inc. ("Plaintiff"), in the above-referenced lawsuit. We write to respectfully provide the Court with a status update on Plaintiff's diligent service attempts and, in so doing, informally request that the Court's September 30, 2021 Notice of Call for Dismissal Pursuant to FED. R. CIV. P. 4(m) (the "Notice") [Dkt. No. 4] be vacated.¹

As the Court is aware, this lawsuit was commenced on November 20, 2020 against defendant, The Spamhaus Project a/k/a The Spamhaus Project Ltd. ("Defendant"), a foreign company. *See* Compl. [Dkt. No. 1]. At the time the complaint was filed, Plaintiff believed, upon information and belief, that Defendant maintained principle places of business in both the United Kingdom and Switzerland. Compl. at ¶ 7. Accordingly, on December 17, 2020, this firm instructed DGR Legal to attempt service of the complaint and summons in the United Kingdom in accordance with The Hauge Service Convention Treaty. (A copy of the December 17, 2020 email request is appended hereto as **Exhibit "A."**) On February 26, 2021, this firm received a letter dated February 12, 2021 from the Royal Courts of Justice Group, Queen's Bench Division, Foreign Process Section advising that Defendant had dissolved its presence in the United Kingdom. (A copy of that letter, without enclosures, is appended hereto as **Exhibit "B."**)

In response, on March 9, 2021, this firm instructed DGR Legal to attempt service in Switzerland (which first required the documents to be served be translated to French). (A copy

¹ While Plaintiff makes this request in the context of this informal status update, Plaintiff respectfully reserves the right to file a formal opposition to the Notice on or before the October 20, 2021 return date if this informal letter does not alleviate the Court's concerns regarding the progression of this action.

Cole Schotz P.C.

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of the March 9, 2021 email request is appended hereto as **Exhibit “C.”**) On July 6, 2021, this firm received a letter dated June 23, 2021 from the Court of First Instance in Geneva, Switzerland. (A copy of the letter, with translation but without enclosures, is appended hereto as **Exhibit “D.”**) In sum, the letter advised that service could not be effectuated in Switzerland and that Defendant’s company headquarters was in Andorra. (*See* Ex. D at p. 3.)

On July 26, 2021, Plaintiff instructed DGR Legal to attempt service of the complaint and summons in Andorra and engage in any necessary translations. On October 5, 2021, Plaintiff’s counsel was advised via email that the Andorran Central Authority had confirmed receipt of the translated documents in the necessary processing department but that it would still take an additional four to six weeks for service to be completed and there were no known means to expedite the process. (A copy of the October 5, 2021 email is appended hereto as **Exhibit “E.”**)

In sum, Plaintiff respectfully submits that it has been making diligent attempts to serve the complaint and summons on Defendant and prosecute this action. Any delays in service have been the result of the difficulties inherent in international service (especially during the pandemic) as well as the fact Plaintiff has now had to attempt service in three different countries with three different languages. As such, a dismissal for lack of prosecution is (respectfully) not warranted at this time. This is particularly true given that the time limits for service set forth in Federal Rule of Civil Procedure 4(m) do not apply to cases involving international service. *See* FED. R. CIV. P. 4(m) (“This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2),² or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A).”).

Consequently, Plaintiff respectfully requests that the Court permit continued service attempts in this matter and vacate the Notice. If the Court has additional concerns or requires additional information, the undersigned can be contacted at the Court’s convenience via email (ecarbone@coleschotz.com) or phone (201-525-6299). As always, the Court’s time and attention to this matter are greatly appreciated.

Respectfully submitted,

COLE SCHOTZ P.C.

/s/ Elizabeth A. Carbone

Elizabeth A. Carbone

cc: All Counsel of Record Via CM/ECF

² Federal Rule of Civil Procedure 4(h)(2) refers to the service of a corporation, partnership, or association outside of the jurisdiction of the United States. FED. R. CIV. P. 4(h)(2).

EXHIBIT A

Carbone, Elizabeth A

Subject: FW: Question re: International Service
Attachments: Redi - FRCP 7.1 Statement(21760683v3).PDF; Redi- Civil Cover Sheet(21760700v4).PDF;
Redi - Complaint(21760685v3).PDF; Redi - Summons.pdf

From: Sermabekian, Kathleen <KSermabekian@coleschotz.com>
Sent: Thursday, December 17, 2020 9:13 AM
To: DGR International Service <service@dgrinternational.com>
Cc: Service Orders <service@dgrlegal.com>; Carbone, Elizabeth A <ECarbone@coleschotz.com>
Subject: RE: Question re: International Service

Thank you!

Can we go ahead and try for formal service in the UK? Attached are the Complaint, Summons, Civil Cover Sheet and 7.1 Statement.

Let me know if you need anything else from us!

Thanks again!



EXHIBIT B



**HM Courts
& Tribunals
Service**

ROYAL COURTS OF JUSTICE GROUP
Queen's Bench Division
Foreign Process Section
Room E16
Royal Courts of Justice
Strand, London
WC2A 2LL

DX 44450 Strand

T 020 7947 7772
E ForeignProcess.RCJ@justice.gov.uk
www.justice.gov.uk

Jason R. Meizer Esq
"counsel Of Record",
Cole Schotz P. C.,
23 Nartin Street - Court Plaza North,
Hackensack, New Jersey 07601,
United States

Our ref: QF-2021-000796
Your ref:

Date: 12-02-2021

Dear Sir/Madam

Re: Service of Foreign Process on
The Spamhaus Project aka The Spamhaus Project Ltd

Your request is returned for the following reasons:

☒ The company you wish to serve appears to be dissolved. Please see the attached information obtained from Company House website.

Please enclose a copy of this letter with your reply.

Yours faithfully,


Olubukola Fashoro
Foreign Process Section

File Edit View History Bookmarks Tools Help

PCOL - Postcode Check CMS - Create Case Postcode Finder - Find a... Companies House CMS - Create Case CMS - User

https://find-and-update.company-information.service.gov.uk/search?q=the+spamhaus+project

PCOL - Possession Cla... CMS - User Settings Postcode Finder - Fin... Companies House ser... Civil Service Learning Enter postcode translate - Google Sear...


★ Bookmarks ▾ ×

Search bookmarks

> Bookmarks Toolbar

Bookmarks Menu

> Other Bookmarks

 Companies House

Companies House does not verify the accuracy of the information filed

the spamhaus project

All Companies Officers Disqualifications

THE SPAMHAUS PROJECT
05303831 - Dissolved on 24 March 2020
Communications House, 26 York Street, London

SPAMHAUS TECHNOLOGY LIMITED
05078652 - Incorporated on 19 March 2004
4 Old Park Lane, Mayfair, London, England, W1K 1QW

SPAMHAUS LOGISTICS CORP.
Total number of appointments 1
1001 Alexander House, 35 Ebene Cybercity, Mauritius

THE CHALFONT PROJECT LIMITED
Total number of appointments 0
2 Athol Gardens, Pinner, Middx, HA5 3XQ

THE PROJECT GROUP GMBH
Total number of appointments 1
9 Neherstrasse, Munchen, Germany, D-81676

THE PROJECTS PEOPLE LIMITED
Total number of appointments 1
2 Pishope Down Cottages, Pishope Down Park Road, Tunbridge Wells, Kent, England

EXHIBIT C

Carbone, Elizabeth A

Subject: FW: Question re: International Service

Importance: High

From: Sermabekian, Kathleen [mailto:KSermabekian@coleschotz.com]

Sent: Tuesday, March 09, 2021 2:07 PM

To: DGR International Service

Cc: Service Orders; Carbone, Elizabeth A

Subject: RE: Question re: International Service

DGR –

We received word back that the entity in UK is apparently dissolved. Can we go ahead and attempt service in Geneva?

Please let me know what you need from us!



Kathleen Sermabekian

Paralegal

25 Main Street | Hackensack, NJ | 07601

Direct 201.525.6297 | Firm 201.489.3000 | Fax 201.678.6297 | ksermabekian@coleschotz.com

New Jersey | New York | Delaware | Maryland | Texas | Florida

vCard | website

[Click here](#) to visit our Covid-19 Resource Center for important legal updates.

EXHIBIT D



Republic and canton of Geneva
JUDICIAIRY
Court of first instance

Geneva, June 23, 2021

Court of first instance
Rue de l'Athénée 6-8
P.O. Box 3736
CH-1211 GENEVA 3

NC/690/2021 NC NAJ



[logo] Please Scan - Signature required
Delivery in exchange for signature

Ref: **NC/690/2021 NC NAJ**
To be referenced in all communications

JASON R. MELZER ESQ.
Cole Schotz P.C
25 Main Street court Plaza North
07601 Hackensack New Jersey
UNITED STATES

Your ref.: 2:20-CV-17484-JMV-JBC

Madam, Sir,

We inform you that the notice you sent us could not be served. We will return your file to you as an appendix.

Our best regards.

For the Tribunal



[stamp: REPUBLIC AND CANTON OF
GENEVA
CIVIL TRIBUNAL]

Appendices mentioned

NC/690/2021

Your ref.: 2:20-CV-17484-JMV-JBC

CERTIFICATE

The undersigned authority has the honor to certify, in conformity with Article 6 of the Convention,

☐ 1. that the document has been served*

- the (date):	
- at (place, street, number):	

- in one of the following methods authorized by Article 5:	
<input type="checkbox"/>	a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*
<input type="checkbox"/>	b) in accordance with the following particular method*:
<input type="checkbox"/>	c) by delivery to the addressee, if he accepts it voluntarily*

The documents referred to in the request have been delivered to:

Identity and description of person:	
Relationship to the addressee (family, business or other):	


☒ 2. that the document has not been served, by reason of the following facts*:

The company indicates that the company headquarters is in Andorra (cf. police report).
--

☐ In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement.***Annexes**

Documents returned:	Duplicate copy of the certificate
In appropriate cases, documents establishing the service:	 Receipt Power of attorney ID Excerpt Commerce Registry

* If appropriate

Issued in Geneva. on 06/23/2021	Signature and/or stamp	 [stamp: REPUBLIC AND CANTON OF GENEVA CIVIL TRIBUNAL]
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From our investigation, it emerges that the person concerned:

- ☐ Has no known/fixed domicile
- ☐ Is no longer domiciled at the address mentioned
- ☐ Has left the jurisdiction without leaving an address, since: -
- ☐ Was not present during our visits to his home
- ☐ No longer has a registered/known telephone
- ☐ No longer has contact with his family
- ☐ Has not responded to our summons

☒ Other: on 06/09/2021 I made contact with the manager of the company, namely Mr. Larry SMITH.

Cantonal Police of Geneva –Versoix station, on: 06/09/2021

P15014
GROUPE ENQUETEURS
Police of Blandonnet
Chemin de Blandonnet 2
1214 Vernier
Landline +41 22 427 62 20
Fax: +41 22 427 77 17



He indicated that there was no representative in Switzerland and that the company headquarters was located in Andorra:

The Spamhaus Project SLU: Corporate Headquarters
Av Princep Benlloch 26-30, Andorra la Vella, AD500, Andorra.
The telephone number of Mr. SMITH is 0001608208003

(*United States)



République et canton de Genève
POUVOIR JUDICIAIRE
Tribunal de première instance

Genève, le 23 juin 2021

Tribunal de première instance
Rue de l'Athénée 6-8
Case postale 3736
CH - 1211 GENEVE 3

NC/690/2021 NC NAJ



JASON R.MELZER ESQ.
Cole Schotz P.C
25 Main Street court Plaza North
07601 Hackensack New Jersey
ÉTATS-UNIS

Réf : **NC/690/2021 NC NAJ**
à rappeler lors de toute communication

V/réf.: 2:20-CV-17484-JMV-JBC

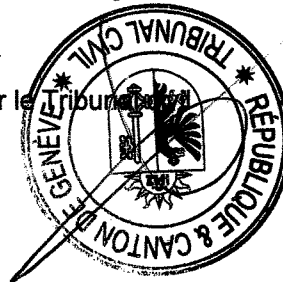
Madame, Monsieur,

Nous vous informons que la notification que vous nous avez adressée n'a pas pu être exécutée.

Nous vous restituons, en annexe, votre dossier.

Nous vous prions d'agréer, Madame, Monsieur, nos salutations distinguées.

Pour le Tribunal



Annexes mentionnées

NC/690/2021

V/réf.: 2:20-CV-17484-JMV-JBC

ATTESTATION **CERTIFICATE**

L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,
The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,

- ☐ **1. que la demande a été exécutée***
 that the document has been served*

– le (date) / the (date):	
– à (localité, rue, numéro): at (place, street, number):	

– dans une des formes suivantes prévues à l'article 5 : in one of the following methods authorised by Article 5:	
<input type="checkbox"/>	a) selon les formes légales (article 5, alinéa premier, lettre a)* in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention*
<input type="checkbox"/>	b) selon la forme particulière suivante*: in accordance with the following particular method*:
<input type="checkbox"/>	c) par remise simple* by delivery to the addressee, if he accepts it voluntarily*

Les documents mentionnés dans la demande ont été remis à :
 The documents referred to in the request have been delivered to:

Identité et qualité de la personne : Identity and description of person:	
Liens de parenté, de subordination ou autres, avec le destinataire de l'acte : Relationship to the addressee (family, business or other):	

- ☒ **2. que la demande n'a pas été exécutée, en raison des faits suivants* :**
 that the document has not been served, by reason of the following facts*:

La société indique que le siège social se trouve à Andorre (cf. rapport de police).

- ☐ **Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint*.**
 In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Annexes / Annexes

Pièces renvoyées : Documents returned:	Double de l'acte
Le cas échéant, les documents justificatifs de l'exécution : In appropriate cases, documents establishing the service:	Récépissé Procuration Pièce d'identité Extrait RC

* s'il y a lieu / if appropriate

Fait à / Done at Genève, le / the 23. 06. 2021	Signature et / ou cachet Signature and/or stamp
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De notre enquête, il ressort que l'intéressé:

- ☐ N'a plus de domicile connu / fixe
- ☐ N'est plus domicilié à l'adresse mentionnée
- ☐ A quitté le territoire sans laisser d'adresse, depuis le:
- ☐ N'était pas présent lors de nos passages à son domicile
- ☐ N'a plus de téléphone enregistré / connu
- ☐ N'a plus de contact avec sa famille
- ☐ N'a pas répondu à nos convocations

✓ Autre: Le 09/06/2021, j'ai pris contact avec le responsable de la
Police Cantonale de Genève - poste de Versoix, le: 09/06/2021

société, soit M. SMITH Larry

P15014

GROUPÉ ENQUÊTEURS
Police de Blandonnet
Chemin de Blandonnet 2
1214 Vernier
Tél. poste +41 22 427 62 20
Fax +41 22 427 77 17

C dernière nous a indiqué
qu'il n'y avait aucun
représentant en Suisse et

que le siège social de
l'entreprise se trouve
à Andorre:

The Spamhaus Project SW: Corporate Headquarters:
Av. princep Benlloch 26-30, Andorra la Vella, AD500
Andorre.

Le téléphone de M. SMITH est: 0001608208003
(Etats-Unis).

EXHIBIT E

Carbone, Elizabeth A

Subject: RE: Redi-Data Service v. The Spamhaus Project [IWOV-CSDOCS.FID2275549]

From: Anthony Mboho <amboho@dgrlegal.com>
Sent: Tuesday, October 5, 2021 7:08 PM
To: Carbone, Elizabeth A <ECarbone@coleschotz.com>
Subject: RE: Redi-Data Service v. The Spamhaus Project [IWOV-CSDOCS.FID2275549]

[EXTERNAL EMAIL]

Elizabeth –

Sorry for the delayed response. The Andorran central authority has confirmed receipt in their processing department on 9/23.

It will take a minimum of 4-6 weeks to complete the service and return of the certificate of service will follow soon after. There is no known means of expediting this service. We will follow up with them in the next couple of weeks for the chance that they may have service attempted sooner.

I will keep you apprised of status.

Kind regards,

ANTHONY MBOHO

National/International Service Supervisor

P 973.403.1700 x218

F 973.403.9222

1359 Littleton Road | Morris Plains, NJ 07950



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